

815 KAR 6:010. Home inspector licensing requirements and maintenance of records.

RELATES TO: KRS 198B.700, 198B.706, 198B.712, 198B.714, 198B.716, 198B.722, 198B.724, 198B.738

STATUTORY AUTHORITY: KRS 198B.706, 198B.722

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.706(1) and (15) require the Kentucky Board of Home Inspectors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.700 to 198B.738 and to establish requirements for licensing and certification as well as prescribing forms and applications. KRS 198B.706(7) requires the board to promulgate administrative regulations to provide for the inspection of the records of a licensee. KRS 198B.706(11) requires the board to establish continuing education requirements. KRS 198B.722 requires the board to establish requirements for renewal of licenses and authorizes the board to establish an inactive license. This administrative regulation establishes the licensure and record requirements for home inspectors.

Section 1. Application Requirements. (1) An applicant for a home inspector license shall submit:

- (a) A completed Application for Licensure, form KBHI-1;
- (b) A two (2) inch by two (2) inch passport photograph taken within the past six (6) months and affixed to the application form;
- (c) A certificate of course completion and the applicant's national examination test score;
- (d) A certificate of insurance;
- (e) If applicable, other state or local licensure, certification, registration, or permit;
- (f) A recent background check performed by the Kentucky State Police and a nationwide criminal background investigation check performed by the Federal Bureau of Investigation. If an applicant submits an application for a nationwide criminal background investigation check performed by the Federal Bureau of Investigation (FBI) and the FBI cannot complete the background investigation check within thirty (30) days of the request, an applicant may submit an Optional Affidavit for Licensure and submit the performed nationwide criminal background investigation check within fourteen (14) days of its completion. If an applicant has a felony conviction during the applicant's lifetime, a misdemeanor conviction within the past five (5) years or a pending charge, the applicant shall not use the optional affidavit; and
- (g) A nonrefundable fee of \$250.

(2) An applicant for a home inspector license shall:

(a) Complete and pass a prelicensing training course approved by the board pursuant to subsection (8) of this section and that is administered by a provider who has been approved by the board in accordance with 815 KAR 6:040 and subsection (8) of this section; and

(b) Pass an examination conducted by a board-approved test provider.

(3) A request to sit for the examination shall be made directly to the test provider.

(4) The examination fee shall be set by the testing company and shall be paid directly to the test provider.

(5) A passing score on the examination shall be valid for a period of three (3) years.

(6) Failing the examination.

(a) An applicant who fails to pass the examination two (2) times shall wait at least fourteen (14) calendar days from the date of the second failed examination prior to retaking the examination.

(b) An applicant who fails to pass the examination three (3) or more times shall wait at least thirty (30) calendar days from the date of the third or subsequent failed examination prior to re-taking the examination.

(c) An applicant who fails to pass the examination three (3) times shall not be eligible to re-take the examination until the applicant has again completed and again passed the prelicensing training course required by subsection (2)(a) of this section before retaking the examination a fourth time, and also for each subsequent examination failure thereafter.

(7) Procedures and conduct.

(a) The applicant shall follow:

1. Procedures and appropriate conduct established by the board or testing service administering an examination if the procedures and conduct requirements are provided or made available to each applicant or orally announced before the start of the examination; and

2. Written instructions communicated prior to the examination date and instructions communicated at the testing site, either written or oral, on the date of the examination.

(b) Failure to comply with all procedures established by the board or the testing service with regard to conduct at the examination shall be grounds for denial of the application.

(8) Course requirements. To be approved by the board, a prelicensing training course shall require a minimum of:

(a) Sixty-four (64) credit hours of training in the subject areas listed in subparagraphs 1 through 9 of this paragraph for at least the number of hours specified:

1. Manufactured housing: two (2) hours;

2. Standards of practice, KRS 198B.700 to 198B.738 and 815 KAR Chapter 6, contracts, report writing, and communications: twelve (12) hours;

3. Exterior, roofing, insulation, and ventilation: six (6) hours;

4. Structure and interior: nine (9) hours;

5. Electrical and plumbing: nine (9) hours;

6. Heating and air conditioning: six (6) hours;

7. Field training: sixteen (16) hours, including not more than eight (8) hours in a laboratory;

8. General residential construction: three (3) hours; and

9. Environmental hazards, mitigation, water quality, and indoor air quality: one (1) hour;

(b) The completion of three (3) unpaid home inspections under the supervision of a Kentucky licensed home inspector with satisfactory written reports submitted to the course provider in addition to the sixteen (16) hours of field training required by paragraph (a)7 of this subsection; and

(c) An exit examination with a passing score.

(9) An online prelicensing training course shall not be accepted by the board unless the applicant:

(a) Is enrolled in a prelicensing course on or before September 4, 2015;

(b) Maintains continuous enrollment; and

(c) Completes the prelicensing course no later than six (6) months from September 4, 2015.

(10) Criminal background checks and other disciplinary proceedings.

(a) Except as established in subsection (1)(f) of this section, each applicant shall submit a recent background check performed by the Kentucky State Police and a nationwide criminal background investigation check performed by the Federal Bureau of Investigation.

(b) If an applicant has resided in a state for less than five (5) years prior to application, the applicant shall also obtain and submit a state-wide criminal background check by a law enforcement agency capable of conducting a state-wide background check from the state where the applicant previously resided.

Section 2. Reciprocity. An applicant seeking a license through reciprocity in accordance with KRS 198B.714 shall:

(1) Submit a completed Application for Licensure, form KBHI-1, and attachments estab-

lished in Section 1(1)(b) through (f) of this administrative regulation; and
(2) Pay the fee established in Section 1(1)(g) of this administrative regulation.

Section 3. Nonresident Licensees. A nonresident licensee shall:

- (1) Submit a completed Application for Licensure, form KBHI-1, and attachments established in Section 1(1)(b) through (f) of this administrative regulation;
- (2) Pay the fee established in Section 1(1)(g) of this administrative regulation; and
- (3) Comply with the provisions established in KRS 198B.716 and this administrative regulation.

Section 4. Renewal of Licenses. (1) To be eligible for renewal of license, an applicant shall hold a valid and current license issued by the board and shall:

(a) Satisfy the continuing education requirements of Section 5 of this administrative regulation;

(b) Pay a nonrefundable renewal fee of \$250 per year for each year of licensure;

(c) Submit a completed Application for Licensure Renewal, form KBHI-2 and attachments, including:

1. A certificate of completion for continuing education;
2. A certification of insurance information;
3. If applicable, other state or local licensure, certification, registration, or permit; and
4. A state-wide criminal background check; and

(d) Submit a copy of a completed inspection report that has been compiled within the previous twelve (12) months immediately preceding renewal.

(2)(a) The renewal application shall be postmarked by the last day of the month in which the licensee is to renew the license.

(b) If the renewal application is postmarked within sixty (60) days after the last day of the licensee's renewal month, the licensee shall pay a nonrefundable:

1. Renewal fee of \$250 per year for each year of licensure; and
2. Late fee of \$250.

(3) If a licensee has not submitted a renewal application within sixty (60) days of the last day of the licensee's renewal month, the license shall be cancelled and the licensee shall cease and desist from conducting home inspections.

(4)(a) If a licensee failed to submit a renewal application more than sixty (60) days from the last day of the licensee's renewal month and wants to be licensed, the licensee shall submit a completed Application for Licensure Reinstatement, form KBHI-6, within 120 days of the last day of the licensee's renewal month. The licensee shall pay a nonrefundable:

1. Renewal fee of \$250 per year for each year of licensure; and
2. Late fee of \$500.

(b) If a licensee failed to submit an Application for Licensure Renewal or an Application for Licensure Reinstatement within 120 days of the last day of the licensee's renewal month and wants to be licensed, the licensee shall submit a new application in accordance with existing requirements for initial applicants under KRS 198B.700 to 198B.738 and 815 KAR Chapter 6.

Section 5. Continuing Education. (1) The continuing education requirements of this section shall apply only to those licensees who will have been licensed at least twelve (12) months at license renewal.

(2) Each licensee who renews a license in an odd year shall have at least fourteen (14) hours of continuing education per license year. Each licensee who renews a license during an even year shall have at least twenty-eight (28) hours of continuing education during the license

biennial period.

(3) Prior to renewal, the continuing education shall include a minimum of:

(a) Two (2) hours in manufactured housing;

(b) Three (3) hours in KRS 198B.700 to 198B.738 and 815 KAR Chapter 6;

(c) Three (3) hours in report writing; and

(d) Six (6) hours in technical courses, including identification and determination, as applicable within the standards of practice.

(4)(a) The continuing education courses identified in subsection (3)(a) through (c) of this section shall be completed face-to-face. An online continuing education course shall not satisfy the continuing education requirement for each respective category.

(b) The face-to-face requirement identified for the continuing education courses shall be effective beginning the next renewal period following September 4, 2015.

(5) Continuing education shall be obtained from those providers approved by the board as provided in 815 KAR 6:080.

(6) An approved preclicensing course shall satisfy the initial fourteen (14) hour continuing education requirement.

(7) A maximum of three (3) hours per license year shall be awarded for teaching part of a home inspection credit course or home inspection continuing education course as applied to the appropriate content area established in subsection (3)(a) through (d) of this section.

(8) A maximum of three (3) hours per license year shall be awarded for appointment to the board for a board member who is licensed and who has attended not less than eighty (80) percent of the board meetings each license year as applied to the content area established in subsection (3)(b) of this section.

(9) A licensee shall not take the same continuing education course during a licensure period.

(10) A licensee may complete the required continuing education hours within the sixty (60) day grace period from the last day of the licensee's renewal month.

Section 6. Inactive License. (1) Placement of a license in inactive status.

(a)1. To place a license in inactive status, a licensee shall submit a notarized statement indicating the desire to have the license placed in inactive status.

2. This notarized statement shall be mailed to the board and shall be accompanied by:

a. A check for ten (10) dollars made payable to the Kentucky State Treasurer;

b. The actual license card of the licensee; and

c. A current mailing address for the licensee.

(b) A licensee in inactive status shall not engage in home inspection activities within the Commonwealth of Kentucky.

(2) Renewal of license in inactive status.

(a) A licensee with an inactive license shall pay an annual inactive status fee equal to fifty (50) percent of the current renewal fee for an active license.

(b) Failure to pay this annual fee shall result in the expiration of the license on the last day of the licensee's birth month.

(3) Insurance coverage for licensees with inactive license. A licensee with an inactive status license shall not be required to maintain the insurance coverage required by KRS 198B.712(3)(d) during inactive status.

Section 7. Reactivation of Inactive License to Active Status. (1) A licensee who wishes to reactivate a license shall contact the board and submit a notarized statement requesting approval to return to active status.

- (2) This request shall be accompanied by:
 - (a) The name of the licensee requesting activation;
 - (b) The license number of the licensee requesting reactivation;
 - (c) The birth date of the licensee requesting reactivation;
 - (d) A current mailing address for the licensee requesting reactivation;
 - (e) A check in the amount of ten (10) dollars made payable to the Kentucky State Treasurer;
 - (f) Proof of liability insurance naming the individual in the amount of \$250,000 as required by KRS 198B.712(3)(d);
 - (g) A state-wide criminal background check administered by a law enforcement agency capable of conducting a state-wide background check; and
 - (h) Proof of continuing education as required by Section 8 of this administrative regulation.
- (3) A license that has been inactive for a period of five (5) years from the date of board action shall be considered expired.

Section 8. Continuing Education Requirements for Licensees in Inactive Status Returning to Active Status. (1) Except as provided by subsection (2) of this section, a licensee with an inactive status who wishes to reactivate the license shall complete the continuing education requirements established in this subsection prior to application to return to active status. The licensee shall complete fourteen (14) hours per year that the license has been inactive, which shall include:

- (a) Two (2) hours in manufactured housing;
- (b) Three (3) hours of KRS 198B.700 to 198B.738 and 815 KAR Chapter 6; and
- (c) Nine (9) hours, in any combination, of:
 - 1. Electrical;
 - 2. Plumbing;
 - 3. Heating, ventilation, and air conditioning;
 - 4. Roofing; or
 - 5. Report writing.
- (2) A board approved sixty-four (64) hour prelicensing training course may be used to satisfy the requirement established in subsection (1) of this section.

Section 9. Maintenance of Records. (1) Address.

- (a) A license holder shall report a change of address to the board in writing within ten (10) days after the change.
- (b) The board shall not be responsible for the license holder's failure to receive notices, communications, or correspondence caused by the license holder's failure to promptly notify the board of a change of address.

(2) Names.

- (a) A license holder shall notify the board in writing of a name change within thirty (30) days of the change.
- (b) The notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order, or other documentation that verifies the name change.
- (c) The board shall not be responsible for the license holder's failure to receive notices, communications, or correspondence caused by the license holder's failure to promptly notify the board of a name change.

(3) Inspection records.

- (a) A licensed home inspector shall retain for at least three (3) years from the date of the inspection:
 - 1. The written reports;

2. The contract; and
 3. Supporting documentation, if applicable.
- (b) Records may be retained in retrievable, electronic format.
- (c) The licensee shall provide all records requested by the board within ten (10) days of receipt of the request.

Section 10. (1) The board may deny a license or refuse to renew or reactivate a license to an applicant or licensee who:

- (a) Has entered a guilty plea to, pled guilty to, or been convicted of a:
1. Felony; or
 2. Misdemeanor; or
- (b) Has had disciplinary action taken against a professional license, certificate, registration, or permit held by the applicant or licensee in any jurisdiction or state, including Kentucky.
- (2) The board shall base its decision on the seriousness of the offense or disciplinary action, the length of time since the offense or disciplinary action, and the applicant's or licensee's showing of remorse, rehabilitation, and restitution by clear and convincing evidence.

Section 11. The board shall deny a license or refuse to renew or reactivate a license to an applicant or licensee who fails to comply with a provision of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Licensure", Form KBHI-1, 2/2016;
- (b) "Application for Licensure Renewal", Form KBHI-2, 2/2016;
- (c) "Application for Licensure Reinstatement", Form KBHI-6, 2/2016; and
- (d) "Optional Affidavit for Licensure", Form KBHI-7, 2/2016.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 2400; 33 Ky.R. 778; eff. 10-6-2006; 684; 1035; eff. 12-4-2009; 38 Ky.R. 1498; 1866; 1966; eff. 7-6-2012; 41 Ky.R. 623; 1371; 1551; eff. 2-6-2015; 41 Ky.R. 2641; 42 Ky.R. 295; eff. 9-4-2015; 42 Ky.R. 295, 2265, 2596, 2891; eff. 7-1-2016.)